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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,701	05/02/2001	Joseph Zelina	H0001340	7935

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EXAMINER

KOCZO JR, MICHAEL

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,701

Applicant(s)

ZELINA, JOSEPH

Examiner

Michael Koczko, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 17, 19, 20, 22-25, 27 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 17, 19, 20, 22-25, 27 and 29-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's arguments filed on July 17, 2004 have been fully considered but they are not persuasive.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the structure of claims 15 and 25 (a radial flow air swirler mounted to an internal surface of the annular dome) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. It can be seen in figure 1 that the radial flow air swirler is mounted to the heat shield 17, not to annular dome 16.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

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and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: there is no basis in the specification for the language of claims 15 and 25 which state that “a radial flow air swirler mounted to an internal surface of the annular dome”, and claims 20 and 30 which states “said main circuit fuel nozzles each discharge fuel at an angle with respect to a radially extending axial axis of each nozzle”.

Claim Rejections - 35 USC § 112

Claims 15, 17, 19, 20, 22 to 25, 27 and 29 to 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 15 and 25, lines 7 and 8, there is no reference frame for “internal” and “external”. For example, is the internal direction axial or radial?

In claims 20 and 30, the expression “radially extending axial axis” is confusing and is not understood. It is not seen how an axis can be simultaneously axial and radial extending. This renders the claim indefinite.

Claim Rejections - 35 USC § 102

Claims 15, 17, 19, 20, 23, 24, 25, 27, 29, 30, 32 and 33, as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Pritchard et al. Pritchard et al. disclose and gas turbine combustor and fuel injector having an annular dome 38, a radial flow air swirler 102 mounted to dome 38 and to an external surface of fuel injector body 96, a plurality of axial air swirlers 74, 76, a pilot nozzle 68, radial main nozzles 98, and wherein the dome includes a plurality of circumferentially disposed dome cooling nozzles. The fuel injector body 96 “incorporates” both the pilot circuit and the main circuit fuel nozzles.

Applicant argues that Pritchard does not disclose a single fuel injector body as in the present invention, and instead teaches the use of separate housing structures 60 and 94 for the pilot fuel nozzle 64 and the main fuel nozzles 98, respectively. It is noted, however, that applicant is not claiming a single fuel injector body. It can furthermore be seen in figure 1 that the pilot circuit fuel nozzle 21 is not part of the fuel injector body 15, but is separated therefrom by the swirlers 22.

Claim Rejections - 35 USC § 103

Claims 22 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pritchard et al. in view of Sjunnesson et al. Sjunnesson et al. disclose that gas turbine combustor can be either of the “can” type or “annular” type (see col. 2, l. 28). In view of Sjunnesson et al. recognizing the art equivalency of “can” type or “annular” type combustors, it would have been obvious to substitute a “can” type combustor for the “annular” type combustor of Pritchard et al.

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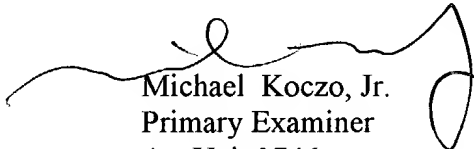
Any inquiry relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is 703-306-5648.

Any inquiry relating to patent applications in general should be directed to the Patent Assistance Center at 1-800-786-9199.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Koczo, Jr. whose telephone number is 703-308-2630. The examiner can normally be reached on M-F; 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 703-308-2675. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Koczo, Jr.
Primary Examiner
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